

INSURANCE DIVISION[191]

Adopted and Filed

Rule making related to long-term care insurance

The Insurance Division hereby amends Chapter 39, “Long-Term Care Insurance,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 514G.11.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 514G as amended by 2017 Iowa Acts, House File 626.

Purpose and Summary

Chapter 39 establishes standards for creating, promoting, educating, and selling long-term care insurance in a way that promotes innovation while identifying ways to protect the public from unfair and deceptive trade practices. These amendments implement 2017 Iowa Acts, House File 626, which rescinded the consumer filing fee for an insured’s request for an independent review of a benefit trigger determination related to long-term care insurance.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 17, 2018, as **ARC 3570C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Insurance Commissioner on February 21, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

The amendments are subject to the Division’s general waiver provisions of rules 191—4.21(17A) through 191—4.36(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 18, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend rule 191—39.45(514G) as follows:

191—39.45(514G) Notice of internal appeal decision and right to independent review. Upon the conclusion of the internal appeal mechanism specified in ~~2008 Iowa Acts, House File 2694, section 10~~ Iowa Code section 514G.109(2), the notice required in ~~2008 Iowa Acts, House File 2694, section 10,~~ Iowa Code section 514G.110(2) “b” and “c” shall contain the following information:

39.45(1) No change.

39.45(2) A description of how the insured can request independent review of the benefit trigger determination. Such description must specify the following:

a. No change.

b. The request must be made to the Iowa Insurance Division, ~~330 Maple Street~~ Two Ruan Center, Fourth Floor, 601 Locust Street, Des Moines, Iowa ~~50319~~ 50309-3738;

c. A copy of the insurer’s benefit trigger determination letter must accompany the written request for an independent review;

~~d. A \$25 filing fee is required unless the insured is requesting that the fee be waived. The check should be made payable to the Iowa Insurance Division. If a waiver is requested, the request shall include an explanation for the insured’s request that the fee be waived.~~

ITEM 2. Amend rule 191—39.46(514G) as follows:

191—39.46(514G) Independent review request.

~~**39.46(1)**~~ The insured shall send a copy of the insurer’s notice explaining why the benefit trigger has not been met, with the insured’s request for an independent review, to the insurance commissioner within 60 days of receipt of the benefit trigger determination. The notice shall be sent to the commissioner at the Iowa Insurance Division, ~~330 Maple Street~~ Two Ruan Center, Fourth Floor, 601 Locust Street, Des Moines, Iowa ~~50319~~ 50309-3738.

~~**39.46(2)** A \$25 filing fee shall be enclosed with the independent review request. The commissioner may waive the fee for good cause.~~

[Filed 2/22/18, effective 4/18/18]

[Published 3/14/18]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/14/18.